

## Message Text

LIMITED OFFICIAL USE

PAGE 01 STATE 018584  
ORIGIN EB-08

INFO OCT-01 EA-07 ISO-00 AID-05 L-03 AGRE-00 COME-00  
TRSE-00 OMB-01 STR-04 SP-02 CIAE-00 INR-07 NSAE-00  
SS-15 NSC-05 PRS-01 IGA-02 USIA-06 CIEP-01 CEA-01  
/069 R

DRAFTED BY EB/OF/FFD-STJOHNSON/LW  
APPROVED BY EB/OF/FFD-ROGDEN  
AID/GC-ARRICHSTEIN  
EA/PHL -JSARTORIOUS  
L/EB -CEROH  
USDA/OGSM - HKOELLER  
AID/FFP-AMERCKER  
USDA/OGSM -JBULLION  
USDA/OGC-RBULLINGTON

-----271904Z 071816 /56

R 271644Z JAN 77  
FM SECSTATE WASHDC  
TO AMEMBASSY MANILA

LIMITED OFFICIAL USE STATE 018584

E.O. 11652: N/A

TAGS: EAGR, RP,VN

SUBJECT: FY L977 PL 480 TITLE I SALES AGREEMENT

REF: A) MANILA 901, B) STATE 10731

1. WE BELIEVE THAT A USEFUL WAY TO PROCEED REGARDING THE  
APPLICABILITY OF SECTION 103(D)(3) OF THE PL 480 ACT  
WOULD BE TO ADVISE PHILIPPINE OFFICIALS OF ITS PROVISIONS  
IN THE NORMAL COURSE OF YOUR NEGOTIATIONS FOR THE NEW  
AGREEMENT. IN DOING SO, YOU MIGHT STATE THAT SHOULD TRADE  
LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 02 STATE 018584

WITH VIETNAM DEVELOP FOLLOWING THE CHAMBER OF COMMERCE  
DELEGATION'S FEBRUARY VISIT TO HANOI IT MIGHT CREATE A  
SITUATION IN WHICH A PRESIDENTIAL WAIVER WOULD BE NECESSARY  
IF FUTURE TITLE I PL 480 SALES AGREEMENTS WERE TO BE MADE.  
IT WOULD, THEREFORE, BE HELPFUL IF THE PHILIPPINE GOVERNMENT  
COULD KEEP YOU INFORMED AS TO THE PRECISE NATURE OF SUCH  
TRADE IF IN FACT IT SHOULD DEVELOP.

2. IN A 1966 OPINION OF THE LEGAL COUNSEL OF THE JUSTICE DEPARTMENT, THE VIEW WAS EXPRESSED THAT A PROHIBITION IN THE DEPARTMENT OF AGRICULTURE AND RELATED AGENCIES APPROPRIATION ACT OF 1967 WHICH CONTAINED A PROVISION SIMILAR TO SECTION 103(D)(3), PROHIBITING THE USE OF APPROPRIATED FUNDS FOR THE SALE OF PL 480 COMMODITIES" . . TO ANY NATION WHICH SELLS OR FURNISHES OR WHICH PERMITS

SHIPS OR AIRCRAFT UNDER ITS REGISTRY TO TRANSPORT TO NORTH VIETNAM ANY EQUIPMENT, MATERIALS OR COMMODITIES . . . " SHOULD BE CONSTRUED AS BEING APPLICABLE ONLY TO THOSE CASES WHERE THE GOVERNMENT OF A COUNTRY SELLS OR FURNISHES PRODUCTS TO NORTH VIETNAM. THE DEPARTMENT AGREES WITH THE JUSTIC DEPARTMENT'S VIEW IN THIS REGARD.

3. CONSISTENT WITH THE VIEW SET FORTH ABOVE, DECISIONS ON WHETHER OR NOT WAIVERS ARE NECESSARY ARE MADE ON A CASE BY CASE BASIS INCLUDING THE DETERMINATION AS TO WHETHER A PARTICULAR FOREIGN SALE IS TO BE CONSIDERED GOVERNMENTAL OR PRIVATE FOR THE PURPOSES OF SECTION 103(D)(3). (THERE IS ALSO, OF COURSE, THE PROVISION REGARDING SHIPS OR AIRCRAFT MENTIONED IN REF B). SHOULD TRADE DEVELOP WE WILL NEED TO EXAMINE THE PERTINENT FACTS AND MAKE A DECISION AT THE TIME REGARDING THE NECESSITY FOR A WAIVER. THIS BEING THE CASE, SHOULD PHILIPPINE OFFICIALS ASK YOU ABOUT THE APPLICABILITY OF SECTION 103(D)(3), YOU MIGHT CONFINE YOUR REPLY TO STATING THAT THE USG EXAMINES EACH CASE OF SUCH TRADE SEPARATELY AS TO THE NECESSITY OF OBTAINING A WAIVER.

LIMITED OFFICIAL USE

LIMITED OFFICIAL USE

PAGE 03 STATE 018584

4. A COPY OF THE PL 480 ACT AS AMENDED IS BEING POUCHED TO YOU.  
VANCE

LIMITED OFFICIAL USE

NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01-Jan-1994 12:00:00 am  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** AGREEMENTS, PL 480 TITLE 1  
**Control Number:** n/a  
**Copy:** SINGLE  
**Sent Date:** 27-Jan-1977 12:00:00 am  
**Decaption Date:** 01-Jan-1960 12:00:00 am  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1977STATE018584  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** STJOHNSON/LW  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D770030-0210  
**Format:** TEL  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
**ISecure:** 1  
**Legacy Key:** link1977/newtext/t19770111/aaaaajxl.tel  
**Line Count:** 100  
**Litigation Code IDs:**  
**Litigation Codes:**  
**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 36b7b5cf-c288-dd11-92da-001cc4696bcc  
**Office:** ORIGIN EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 77 MANILA 901, 77 STATE 10731  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 23-Feb-2005 12:00:00 am  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 3482139  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** FY L977 PL 480 TITLE I SALES AGREEMENT  
**TAGS:** EAGR, RP, VN  
**To:** MANILA  
**Type:** TE  
**vdkgvwkey:** odhc://SAS/SAS.dbo.SAS\_Docs/36b7b5cf-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
22 May 2009  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 22 May 2009